GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Special Rules - Amendment to the Andhra Pradesh State Prosecution Service Rules, 1992 - Notification - Orders – Issued.

HOME (COURTS.A) Department

G.O.Ms. No.26 **Dated: 23 .02.2024**

Read the following:

(1) G.O.Ms.No.188, Home (Courts.C) Department, Dated 30.03.1992.
(2) G.O.Ms.No.169, Finance (HR.II) Department, Dated.21.09.2017.
(3) G.O.Ms.No.24, Home (Courts.A) Department, Dated.04.02.2020.
(4) G.O.Ms.No.56, Home (Court.A) Department. Dated.15.06.2021.
(5) G.O.Rt.No.552, Home (Courts.A) Department, dt.22.05.2023.

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ORDER:

Whereas, the rules called Andhra Pradesh Prosecution Service Rules, 1992 were issued under proviso to Article 309 of the Constitution of India, read with Sections 24 and 25 of the code of Criminal Procedure, 1973 vide G.O.Ms.No.188, Home (Courts.C) Department, Dated:30.03.1992. The said rules were further amended from time to time and the last amendment being the amendment to Rule (3) in relation to table in column (2) against category (1) for the existing entry by way of substitution, so on to keep the rules in face with section 25(A) of the Code of Criminal Procedure, 1973 and accordingly the G.O.Ms.No.56, Home (Courts.A) Department, dated: 15-06-2021, was issued brining the aforesaid amendment.

2. Subsequent on account of the Amendment carried to the existing rules, to keep the same in consonance with the section 25(A) of the Code of Criminal Procedure, 1973 it became desirable to make further amendments.

3. Accordingly, the following Notification will be published in the Extraordinary issue of the Andhra Pradesh Gazette: Dated: 23.02.2024.

NOTIFICATION

In exercise of powers conferred by proviso to Article 309 of the Constitution of India, read with Section 25 (A) of the code of Criminal Procedure, 1973 the Governor of Andhra Pradesh hereby makes the

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following amendment to the Andhra Pradesh State Prosecution Service Rules, 1992 issued in G.O.Ms.No.188, Home (Courts.C) Department, dated: 30.03.1992, as subsequently amended from time to time.

AMENDMENT

In Rule 3 of the said Rules in the table in Column (2) against Category (1) after the existing entry (1), the following entry shall be substituted namely:

1. A person shall be eligible to be appointed as Director of Prosecution only if he/she has been in practice as an advocate for not less than 10 years and such appointment shall be made in concurrence with the Chief Justice of the High Court.

2. The tenure of the Director of Prosecution would be three (3) years from the date of such appointment or till the attainment of age 62 years whichever is earlier. He/She shall be eligible to be considered for appointment as such following the same procedure as relevant for provided under Rule (1) above for another term of three (3) years subject to the maximum age of 62 years.

3. The Director of Prosecutions shall be entitled to a pay and honorarium and other allowances as to be fixed by the Government in accordance with rules.

   Provided if the person is so appointed in terms of section 24(9) of Criminal Procedure Code, 1973, he/she shall be eligible to draw the pay in the scale of pay attached to the post of Director of Prosecutions hitherto.

4 The appointment of Director of Prosecution being for a tenure in compliance with the statutory procedure under Section 25(A) of Criminal Procedure Code, 1973, the same shall not be considered as direct recruitment as defined in the Andhra Pradesh State and Subordinate Service rules, 1996 and the procedure prescribed for such direct recruitment would not be applicable to the said appointment for a tenure.

5. The Director of Prosecution shall be deemed to be a Public servant for the purposes of Section 21 of the Indian Penal Code and Section 2 (c) of the Prevention of Corruption Act, 1988 as amended from time to time.

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6. The Director of Prosecution is removable from such appointment on account of any Misdemeanor or misconduct, if any, in the conduct of his/her duties, with the prior concurrence with the Chief Justice of the High Court.

After the point (c) under Note of Rule (3) of the said rule, the following shall be added namely:

(d) The job chart of the Director of Prosecution would be as under.

(i) The Director of Prosecution shall be responsible for the due and proper conduct of the prosecutions on behalf of the State in all the Criminal law prosecutions in all the Courts in the State including the High Court.

(ii) The Director of Prosecutions shall be assisted by the officers comprised in the Andhra Pradesh Prosecution Service.

(iii) All the officers comprised in the Andhra Pradesh Prosecution Service shall abide by such lawful directions as may be issued by the Director of Prosecution from time to time.

(iv) The Director of Prosecution shall undertake programs of constant updation of the skills of the officers comprised in the Andhra Pradesh Prosecution Service.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

HARISH KUMAR GUPTA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Printing Stationery & Stores Purchase, A.P Vijayawada
(with a request to publish in the Andhra Pradesh Gazette).
The Director of Prosecutions, Andhra Pradesh, Vijayawada.
The Learned Advocate General, Andhra Pradesh, Vijayawada.
The Registrar General, High Court of Andhra Pradesh, Amaravati.
Copy to:
The Principal Accountant General (A&E), Andhra Pradesh, Vijayawada.
The Pay and Accounts Officer, Andhra Pradesh, Mangalagiri.
The P.S to Secretary to C.M.
The O.S.D. to Minister (Home).
The P.S to Principal Secretary to Government, Home Department.
The P.S to Secretary, Law Department.
SC/SF.

// FORWARDED :: BY ORDER //

SECTION OFFICER